



THE COMMONWEALTH OF MASSACHUSETTS  
WATER RESOURCES COMMISSION

**Request for Determination of Applicability  
Under the Interbasin Transfer Act  
MGL Chapter 21 Sections 8B - 8D**

**Sithe Edgar Development, LLC**

**WRC DECISION  
4 November 1999**

On November 4, 1999 the Massachusetts Water Resources Commission (WRC) voted unanimously that the Sithe Edgar Development, LLC (Sithe) proposal to transfer up to 0.89 mgd from the MWRA through the City of Quincy was not applicable under the Interbasin Transfer Act (M.G.L. Chapter 21 §§ 8B-8D). The MWRA has water supply sources in the Chicopee River and Nashua River basins. Sithe is proposing to purchase water from the City of Quincy to be used to serve the proposed Fore River Station located in Weymouth and Quincy, in the Boston Harbor Basin, Weymouth and Weir Rivers subbasin. This proposed transfer will not result in an increase in the capacity of Quincy's connection to the MWRA.

**Background**

On September 15, 1999, the WRC received a Request for Determination of Applicability under the Interbasin Transfer Act from the Sithe Edgar Development, LLC for a connection to MWRA through Quincy via the MWRA Straddle Policy. The City of Quincy receives its water supply from the MWRA, which has water supply sources in the Chicopee River and Nashua River basins. Water will be used to serve the proposed Fore River Station located in Weymouth and Quincy, in the Boston Harbor Basin, Weymouth and Weir Rivers subbasin. The plant is requesting to use 0.13 mgd annually, with peaks of up to 0.89 mgd.

As required by 313 CMR 4.04(b) notice of receipt of this request was published in the Environmental Monitor on October 9, 1999. No comments were received in connection with this project.

Facts pertaining to the proposal are:

- ◆ The proposed Fore River Station is a 775 megawatt natural gas power plant, being developed at the site of the former Boston Edison Edgar Station in Weymouth and Quincy.

- ◆ A small portion of the site is located within the City of Quincy, though the actual structure is located entirely within the Town of Weymouth.
- ◆ Water purchased from Quincy will be used to provide potable water for the plant (drinking water, showers, etc.), boiler makeup, demineralizer regeneration, and equipment washdowns. It will not be used for cooling. Steam cycle cooling will be provided by an air cooled condenser.
- ◆ The plant will use an annualized average of 131,268 gallons per day (gpd), however, during periods when a backup fuel (0.05% sulfur distillate oil) is used, an estimated 895,951 gpd will be required. Full load oil firing will be limited to 720 hours per year.
- ◆ The MWRA Straddle Policy provides that if a parcel of land has area in an MWRA and non-MWRA water supply community, the MWRA user community may supply water to the entire parcel, subject to certain restrictions:
  - The non-MWRA community must lack sufficient capacity to provide water supply to serve the parcel.
  - There must be no other feasible alternative sources of water supply
  - The MWRA member community must consent to serve the parcel
  - The MWRA Advisory Board and Board of Directors must approve service to the subject parcel
  - Water provided to the subject parcel may only be used by the subject parcel. It may not be sold or distributed off-site.
  - The connection cannot jeopardize the MWRA water supplies or the ability of the MWRA to meet legitimate needs of existing user communities.
  - The applicant must demonstrate that it has met all legal requirements for the connection.

## **WRC Decision**

From the information provided by Sithe Edgar Development, LLC and the MWRA concerning the Straddle Policy, it appears that this policy limits connection to the MWRA system to a single entity within a logical proximity to an MWRA member community. As such, it should be viewed as the extension of distribution system within the receiving area or the enlargement of the receiving area, as previously defined by the WRC.

In its December 1985 publication A Guide to the Application of the Interbasin Transfer Act and Regulations, the WRC set forth a policy that exempts:

- Extension of the distribution system within the receiving area that does not increase the existing hydraulic capacity to transfer water out of the donor basin

and

- Enlargement of the receiving area, which does not necessitate increasing the existing hydraulic capacity to transfer water out of a donor basin<sup>1</sup>.

Based on this policy, the WRC voted unanimously to find that **the Interbasin Transfer Act is not applicable to the proposed connection by the Sithe Edgar Development, LLC to MWRA through the Town of Quincy, as described in the Request for Determination of Applicability dated September 14, 1999 and subject to the June 30, 1999 MWRA Water Connection Policy (#OP.09).**

---

<sup>1</sup> This refers to individual users or users within a community with an existing interbasin transfer. In October, 1990 the WRC voted to take jurisdiction under the Act of communities which applied to join a regional water supply system.



## Map of Site and Connections Fore River Station